

**Rule Change #2003(11)**

**APPENDIX TO CHAPTERS 18 TO 20**

The Colorado  
Rules of  
Professional Conduct

**Rule 8.3. Reporting Professional Misconduct**

(a) [No Change]

(b) [No Change]

(c) This Rule does not require disclosure of information otherwise protected by Rule 1.6 or information gained by a lawyer or judge while serving as a member of an ~~approved~~ lawyers' peer assistance program that has been approved by the Colorado Supreme Court initially or upon renewal, to the extent that such information would be confidential if it were communicated subject to the attorney-client privilege.

**CHAPTER 20**

COLORADO RULES OF PROCEDURE REGARDING ATTORNEY DISCIPLINE AND  
DISABILITY PROCEEDINGS, COLORADO ATTORNEYS' FUND FOR CLIENT  
PROTECTION, AND MANDATORY CONTINUING LEGAL EDUCATION AND  
JUDICIAL EDUCATION

**Rule 251.34. Advisory Committee**

**(a) Advisory Committee.** [No Change]

(1)-(4) [No Change]

**(b) Powers and Duties of the Advisory Committee.** [No Change]

(1)-(8) [No Change]

(9) Select one or more ~~peer~~health assistance programs as designated providers.

To be eligible for designation by the Advisory Committee, an attorney's ~~peer~~health assistance program shall provide for the education of attorneys with respect to the recognition and prevention of physical, emotional, and psychological problems and provide for intervention when necessary; offer assistance to an attorney in identifying physical, emotional, or psychological problems; evaluate the extent of physical, emotional, or psychological problems and refer the attorney for appropriate treatment; monitor the status of an attorney who has been

referred for treatment; provide counseling and support for the attorney ~~and for the family of any attorney~~ referred for treatment; agree to receive referrals from the Advisory Committee or the Regulation Counsel; and agree to make their services available to all active licensed Colorado attorneys.

Nothing in this ~~rule~~section or section 9.5 shall be construed to create any liability on the Advisory Committee or the Supreme Court for the actions of the Advisory Committee in funding ~~peer~~ assistance programs, and no civil action may be brought or maintained against the committee or the Supreme Court for an injury alleged to have been the result of the activities of any committee-selected ~~peer~~ assistance program or court approved lawyers' peer assistance program, or the result of an act or omission of an attorney participating in or referred by a committee-selected ~~peer~~ assistance program.

(9.5) Make recommendations concerning approval of lawyers' peer assistance program.

A. Any lawyers' peer assistance program that wishes to provide services to Colorado lawyers and have protection from the reporting requirements of Colo. RPC 8.3, must be approved by the Colorado Supreme Court. To request such approval, a description of the program must be submitted to the Advisory Committee who shall then review the program and make a recommendation to the Colorado Supreme Court as to approval.

B. The description shall contain the following information:

- i. The type of organization, e.g. corporation, limited liability company, etc.;
- ii. The mission statement for the program;
- iii. The funding for the program;
- iv. A list of the volunteers and/or paid employees, together with their qualifications and backgrounds, working for or together with the program; and,
- v. An explanation of the type and frequency of training for the volunteers and/or paid employees.

C. Approval of a lawyer peer assistance program is for a period of two years subject to revocation at any time by the Colorado Supreme Court. In order to be reapproved, the program must file a request for renewal with the Clerk of the Colorado Supreme Court, containing the information listed in subparagraph B, and

explain any changes that occurred in the  
program since its initial approval by the  
Colorado Supreme Court. The Clerk shall then  
forward the request for renewal to the  
Advisory Committee for recommendations to the  
Colorado Supreme Court. Unless renewed by the  
Colorado Supreme Court at the conclusion of  
the two years, the program shall lose its  
approved status.

(10) [No Change]

**Amended and Adopted by the Court, En Banc, June 19, 2003, effective July 1, 2003.**

**BY THE COURT:**

**Nathan B. Coats  
Justice, Colorado Supreme Court**

**Michael L. Bender  
Justice, Colorado Supreme Court**